

(Draft Minutes)

**TOWN OF ROCKY HILL  
OPEN SPACE AND CONSERVATION COMMISSION  
MEETING OF NOVEMBER 12, 2014**

**1. CALL TO ORDER**

Chairman Ed Charamut called the Wednesday, November 12, 2014 meeting to order at 6:01 p.m. in the Town Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut, 06067.

Present:       Ed Charamut, Chairman  
                  Sandra Kelly, Secretary  
                  David Schweitzer, Commissioner  
                  Larry Lindenberger, Commissioner  
                  Scott Stevens, Commissioner  
                  Todd Brown (6:12 p.m.)

Alternates:   Christopher Duff  
                  Michelle Zak  
                  Rachelle Leone

Also:           Bob Alvarado, Engineering Dept.  
                  Eileen A. Knapp, Recording Secretary

**2. PLEDGE OF ALLEGIANCE**

Everyone stood and recited the Pledge of Allegiance.

**3. SHOW CAUSE HEARING (Continuation)**

**A. ADC Enterprises – Violation at 45 Evans Road**

Chairman Charamut recused himself for this hearing. Commissioners Leone and Stevens sat in for absent regular members.

The Applicant was not present.

**A MOTION was made by Commissioner Lindenberger to Close the Show Cause Hearing for ADC Enterprises – Violation at 45 Evans Road. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY. (Chairman Charamut recused himself for this Show Cause Hearing, Commissioners Leone and Stevens voted in place of two regular members.)**

#### **4. ACTION ON SHOW CASUE HEARINGS**

##### **A. ADC Enterprises – Violation at 45 Evans Road**

**A MOTION was made by Commissioner Lindenbergler concerning ADC Enterprises – Violation at 45 Evans Road requesting the following:**

- **That the Cease and Desist Order dated August 4, 2014 remain in place**
- **That the Violator provides the Commission with a professionally prepared Restoration Plan for the riverbank to be distributed to Town Staff and the Commission by the December 10, 2014 meeting.**
- **If the deadline is not met for submission of the Restoration Plan, he will be subject to the Commission's established fines.**

**Seconded by Commissioner Schweitzer.**

**A FRIENDLY AMENDMENT was made by Commissioner Stevens requesting that the violator consult with a Registered Soil Scientist to delineate the wetlands on the site and provide a Soil Report. FRIENDLY AMENDMENT ACCEPTED.**

**A FRIENDLY AMENDMENT was made by Commissioner Schweitzer that a Maintenance Plan be included in the Restoration Plan that would cover both the area that has been disturbed and the remainder of the slope that was not impacted. FRIENDLY AMENDMENT ACCEPTED.**

**A FRIENDLY AMENDMENT was made by Commissioner Duff that the Restoration Plan includes the identification of any trees that have been selected for removal due to disease as part of any future plans. FRIENDLY AMENDMENT ACCEPTED.**  
**All were in favor, MOTION CARRIED UNANIMOUSLY.**

**(Todd Brown arrives at 6:12 p.m.)**

**(Commissioner Charamut rejoined the Commission.)**

#### **5. PUBLIC**

**Mr. Jim Zagroba of 263 Meadow Road asking to be added to the evening's agenda.**

**A MOTION was made by Commissioner Schweitzer to add to the Agenda under Discussion, E. Mr. Jim Zagroba -Monitoring of erosion at 263 Meadow Road. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.**

#### **6. APPLICATION FOR A PERMIT**

**A. Greg Lichatz-Proposed deck at 273 Meadow Road;**

**Mr. Greg Lichatz of 273 Meadow Road** submitted an application for a two-tier deck on his house, which is in a flood plain. Staff does not feel this work would affect the flood storage capacity in the area.

Commissioner Comments/Questions

Commissioner Brown asked what materials would be used. Mr. Lichatz said he would be using pressure treated wood.

Commissioner Stevens asked how high off the ground the lower deck would be. Mr. Lichatz said it would be about 7-8' off the ground.

Commissioner Duff wondered if any special precautions should be taken because the area often floods. Mr. Alvarado said the owner can bring in up to 3" of material to maintain the property.

Commissioner Schweitzer asked what machinery would be used. Mr. Lichatz said he would just be using a small excavator and any materials stockpiled would be used by the end of the day.

Commissioner Lindenberger asked how the footings for the deck would be handled since the area is prone to flooding. Mr. Lichatz said if the Commissioner would like, he could use elephant's foot piers, which would provide more stabilization.

Commissioner Kelly said she is concerned that Mr. Lichatz might end up bringing in big equipment to get the job done, without permission of this Commission.

Mr. Alvarado noted that this application must be tabled in order to notify the Town of Glastonbury.

**Public**

**Mr. Jim Zagroba of 263 Meadow Road** addressed the Commission in opposition of this application. This area tends to flood every year. It is also only 3' away from his property line and would obstruct his view of the Meadows. He feels Mr. Lichatz should present feasible and prudent alternatives to this project. He believes this is a regulated activity and will cause a significant impact in the flood plain zone and loss of wetlands. He feels that if this is approved the Commission should require a bond for insurance. Mr. Zagroba claimed there are several notices of violations and unpaid taxes on this property and for this reason; the application should not be approved. He also requested that this application go to a public hearing.

Mr. Lichatz said he does not have any outstanding taxes on this property. He said if the Commission does not approve this they could be liable if there is a fire because this would be the second means of egress for the home.

Mr. Alvarado pointed out that if there are no significant impacts to the wetlands there is no need for prudent and feasible alternatives. The Commission agreed by consensus that this application did not cause significant impacts to the wetlands.

**A MOTION was made by Commissioner Kelly to table the Application for a Permit, Greg Lichtatz-Proposed deck at 273 Meadow Road. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**B. James Zagroba – Proposed fill material at 263 Meadow Road;**

No Application was submitted.

**7. MINUTES/WORKING NOTES presented for approval for October 8, 2014**

**A MOTION was made by Commissioner Kelly to approve the minutes and working notes of October 8, 2014 with changes. Seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.**

**8. DISCUSSION**

**A. Status Report-Various Projects**

**Foundry:** The trees that were tagged for removal have been cleared. The Developer is working with the DOT for a permit for work along Glastonbury Avenue. Atty. Romano is working with the Town to set up a Committee to come up with a final plan for Tulisano Park. The silos have been cleared to be demolished and used for fill on the site.

**Brookwood Village:** The wall is almost completed and residents that were displaced will be allowed back into their homes soon. The erosion and sediment controls will remain throughout the winter until the restoration work can be done in the spring. A permanent chain link fence will also be added.

**Old Main Street Bridge:** The roadway will be paved next week and the bridge will be open once the rails and safety features are in place, hopefully by Thanksgiving. Mr. Alvarado hopes to create a PowerPoint presentation for the Commission at a future meeting.

**Town Center West:** The developer is waiting for the encroachment permit from the DOT to build the entrance from West Street. The site has been cleared and they should begin building before the first snow storm.

**B. Open Space**

No discussion.

**C. Legislation**

No discussion.

#### **D. Conferences**

The Economic Development Director is holding a conference in November; all Commissioners are welcome to attend.

#### **E. Mr. Jim Zagroba -Monitoring of erosion at 263 Meadow Road**

**Mr. Zagroba** wanted to know who is in charge of monitoring a site, when it is requested by the Commission in the form of a motion. His site was supposed to be monitored for erosion but he isn't aware of any plan or steps that were taken in order to abide by this action by the Commission. Mr. Alvarado said he did look at photos of the area from 1973 and compared them to photos from 2006 and 2012. He did not see much of a change from 2006 to 2012, but erosion is visible from 1973 to 2006. This is a normal occurrence along the banks of the River.

The Commission agreed that if they require monitoring they should be very specific and clear as to what that means and how to go about it.

Mr. Zagroba also wanted to discuss a letter he received from the Cheryl Chase, Director of Water Resources at the DEEP regarding whether or not the placing of rocks on the periphery of the Connecticut River is a permitted activity. Mr. Alvarado said any material that is used to grade or maintain a property that is 3" or less is permitted. If more than 3" of material is used it would be a violation and would require a permit. He said he would show any applications for work in this area to the Town's Flood Plan Administrator, who is Mr. Jim Sollmi.

### **9. CORRESPONDENCE, COMMUNICATIONS**

Commissioners received a notice about a violation on Whitewood Drive regarding grass clippings that were dumped within a conservation easement. The Violator has the opportunity to restore the area within 7 days. The area was restored and Staff is satisfied. . In the past the Town sent out brochures with the tax bills regarding how to protect a conservation easement. This is something they may want to consider doing again as a reminder for homeowners. Commissioner Duff suggested also putting that information on the Town website.

### **10. OTHER BUSINESS**

**Town Manager, Guy Scaife** was present at the meeting. Mr. Alvarado introduced him as asked if any Commissioners had any questions for Mr. Scaife. Commissioner Duff said if the Town Manager could help in any way to move along situation with Tulisano Park it would be appreciated by the public. He also hoped that once the Plan of Conservation and Development was complete it would have the full backing of the Town Manager as far as supporting the implementation of the POCD recommendations. Mr. Scaife said he has already gotten involved on the Tulisano Park project and he is very supportive of the long term plans being developed in the POCD.

**11. ADJOURN**

**A MOTION was made by Commissioner Kelly to adjourn the meeting at 7:42 p.m. Seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Eileen A. Knapp  
Recording Secretary